

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MORRIS DAY aka R.L. ALFORD, No. CIV--05-0220 MCE/MK P

Plaintiff,

v.

ORDER

DR. ANITA MITCHELL, ET AL.,

Defendants.

Plaintiff, a state prisoner proceeding *pro se*, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b) (1) (B).

On March 10, 2005, Magistrate Judge Kellison filed the findings and recommendations discussed herein, recommending that the Court dismiss Plaintiff's claim for failure to exhaust administrative remedies. Judge Kellison's findings and recommendations were served on Plaintiff and contained notice to Plaintiff that Plaintiff had ten days to file an objection. Plaintiff did not file an objection. Therefore, the Court ADOPTS the findings and recommendations of the Magistrate Judge.

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1 Plaintiff that any objections to the findings and recommendations  
2 were to be filed within twenty (20) days.

3 Plaintiff filed objections to Judge Kellison's findings and  
4 recommendations on March 28, 2005. In accordance with the  
5 provisions of 28 U.S.C. § 636(b)(1), the Court conducted a de  
6 novo review of this case. Having carefully considered the entire  
7 file, the Court finds that the Magistrate Judge's March 10,  
8 2005, findings and recommendations are supported by the record  
9 and proper analysis.

10 Accordingly, IT IS HEREBY ORDERED:

11 1. The Magistrate Judge's findings and recommendations  
12 filed March 10, 2005, are adopted in full;

13 2. Plaintiff's complaint is dismissed without prejudice for  
14 failure to exhaust administrative remedies.

15 IT IS SO ORDERED.

16 DATED: April 19, 2005



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18 MORRISON C. ENGLAND, JR.  
19 UNITED STATES DISTRICT JUDGE  
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